

Part A 3A-6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Certified Mail No. 7000 1670 0009 3122 9869
Return Receipt Requested

April 10, 2002

In Reply Refer to: WST-3
US Filter/Westates Carbon
AZD982441263

Mr. Monte McCue, Plant Manager
US Filter/Westates Carbon
P.O. Box 3308
Parker, AZ 85344

Dear Mr. McCue:

Re: Transmittal of Inspection Report, Warning Letter and Request for Information
Pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA)

Dear Mr. McCue:

On January 24, 2002, a hazardous waste investigation was conducted by representatives of the United States Environmental Protection Agency ("EPA") at US Filter/Westates Carbon (the "facility"), located at 2523 Mutahar Street in Parker, Arizona. The facility's EPA Identification Number is AZD982441263. During the course of this investigation, information was gathered in accordance with Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §6927.

A copy of the investigation report is enclosed for your information and response. The report describes conditions at the facility at the time of the investigation and discusses areas of noncompliance with RCRA regulations identified during the June 19 and 20, 2001 investigation for which additional information and clarification is sought. The report also summarizes potential violations that have been corrected. Any omissions in the report shall not be construed as a determination of compliance with all applicable regulations.

EPA reserves the right to take further enforcement action as it deems appropriate. Violations of Subtitle C of RCRA may be punishable by civil and criminal actions, including penalties of up to \$27,500 per day for each violation as provided by Section 3008 of RCRA.

EPA routinely provides copies of investigation reports to tribal governments, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations (40 CFR Part 2). If you believe this report contains privileged or confidential information, you may make a claim within fourteen (14) calendar days from the date of this letter. EPA will construe your failure to furnish a timely claim as a waiver of the confidentiality claim.

Correction of Outstanding Potential Violations - Warning Letter

Pursuant to Section 3008 of RCRA, 42 U.S.C. §6928, and in order to allow EPA to determine that US Filter/Westates Carbon has corrected the potential violations noted in the report for the June 19 and 20, 2001 investigation, transmitted on December 17, 2001, for which we do not yet have confirmation of correction, you are required to:

1. Submit a closure plan for the closure of RF-1 that meets all of the applicable requirements of 40 CFR §265 Subpart G.
2. Submit a closure plan for the facility that meets all of the applicable requirements of 40 CFR §264 by the date specified by EPA in correspondence transmitted on February 19, 2002 requesting the Part B Permit Application for US Filter/Westates Carbon.

Your response to item 1. of this Warning Letter is due within 60 calendar days from the date of the receipt of this letter. Your response should be addressed to:

Kandice Bellamy (WST-3)
RCRA Enforcement Office
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Request for Information Pursuant to RCRA Section 3007

EPA is also seeking more information concerning facility construction, maintenance and treatment processes. Under the provisions of Section 3007 (a) of RCRA, 42 U.S.C. §6927(a), EPA may require persons subject to RCRA to furnish information necessary for EPA to administer the Act. Pursuant to EPA's authority under Section 3007(a) of RCRA, US Filter/Westates Carbon is requested to submit to EPA the following information:

Condition of the Secondary Containment Pad

In order to determine compliance with the requirements of **40 CFR §265.193 (b)(1) and 40 CFR §265.193(c)(1) and (2)**, US Filter/Westates Carbon is requested to submit the documentation described below.

- I. Provide EPA with 'as-built-drawings' and engineering and construction specifications for the secondary containment pad including any particular specifications for the pad in Areas 1 and 2 (shown in the LEMME Engineering Survey dated August 2001) of the facility including, but not limited to, the description of the thickness of the concrete, materials used to reinforce the pad, and composition of subsurface materials forming the layers under the pad.
- II. Provide EPA with an engineering evaluation and certification that contains documentation that the pad in Areas 1 and 2 is constructed of materials of sufficient strength and thickness to meet the conditions specified in and the requirements of **40 CFR §265.193(c)(1)**.
- III. Provide EPA with an engineering evaluation and certification verifying that the pad in Areas 1 and 2 is placed on a foundation and base capable of meeting the conditions specified in and the requirements of **40 CFR §265.193(c)(2)**. The engineering evaluation and certification of the structural integrity of the secondary containment pad in Areas 1 and 2 shall include, but not be limited to, an accurate assessment of the weight of all structures, equipment, tanks and their contents and associated piping in Areas 1 and 2.
- IV. The evaluation and certification must verify that the Area 1 and 2 portions of the pad are capable of supporting the weight of all structures and tanks (with their contents and including the tanks that, at this time, the facility considers to contain substances that are not RCRA regulated).
- V. Provide EPA with an engineering evaluation and certification verifying that the cracks, gaps and overall condition of the pad in Areas 1 and 2 do not adversely impact the technical capability of the pad to meet the requirement that the pad be designed to prevent migration of waste or accumulated liquid out of the system as specified in **40 CFR §265.193(b)(1)**.
- 30 days
VI. Provide EPA with a written plan for the management of cracks and gaps for all areas of the pad. The plan should, at a minimum, include the description of the materials for pad repair, the appropriateness and effectiveness of the material used, and criteria used to determine that the repair prevents migration of waste or accumulated liquid out of the system. The written plan should contain a schedule for maintenance and repair and the protocol for the repairs.

Regulatory Status of Tanks T-9 and T-12

In order to further evaluate the applicability of RCRA regulation to tanks T-9 and T-12, US Filter/Westates Carbon is requested to submit the following information and documentation.

- I. Provide EPA with a written detailed explanation specifying the basis and the specific regulatory exclusion/exception for the determination that tanks T-9 and T-12 are not RCRA regulated. Please include any correspondence, memos guidance documents, etc. upon which you relied in making such a determination.
- II. Provide EPA with a process diagram of sufficient detail and clarity describing process flow and the recirculation of contact water through the storage and treatment system. The diagram may be accompanied by narrative explanations of slurry and recirculated water movement.

The response to this written information request must be made by a letter, signed by a duly authorized US Filter/Westates Carbon official. Please send the response within thirty (30) calendar days from the receipt of this letter by certified mail, return receipt requested, addressed to:

Kandice Bellamy (WST-3)
RCRA Enforcement Office
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Section 3008 of RCRA, 42 U.S.C. §6928, authorizes the initiation of a civil enforcement proceeding for failure to respond fully to the information request set out in this letter. Section 3008 also authorizes criminal prosecution for knowingly making a false statement or omitting material information.

EPA regulation governing confidentiality of business information are set forth in 40 CFR Part 2, Subpart B. For any portion of the information submitted which is entitled to confidential treatment, please assert a confidentiality claim in accordance with 40 CFR 2.203(b). If the EPA determines that the information so designated meets the criteria set forth in 40 CFR 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 CFR Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim. Information may be made available to the public without further notice.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, and 3508(c)(1). See, also, 5 CFR §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review, under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 CFR §§1320.4 and 1320.6(a).

Thank you for your prompt attention to this matter. If you have questions related to the technical aspects of this investigation report or this letter, please contact Kandice Bellamy at (415) 972-3304. If you have questions related to the legal aspects of this letter, please have your counsel contact Harrison Karr in the Office of Regional Counsel at (415) 972-3939.

Sincerely,

Frances Schultz, Manager
RCRA Enforcement Office

Enclosures

cc: Douglas Eisner
Manager, EH&S
US Filter/Westates Carbon
6611 San Leandro St.
Oakland, CA 94621
- with enclosures

Elena Etcitty, Director
Colorado River Indian Tribe
Environmental Protection Office
Route 1, Box 23-B
Parker, AZ 85344
- without enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Purpose: RCRA Compliance Evaluation

Date of Evaluation: January 24, 2002

Facility: US Filter/Estates Carbon
A Vivendi Company
AZD982441263

Location: 2523 Mutahar Street
Parker, Arizona

Mailing Address: P.O. Box 3308
Parker, AZ 85344
Telephone: (928) 669-5758
Email: Westates@redrivernet.com

Facility Representatives: Monte McCue, Director Plant Operations
(928) 669-5758 x 17
McCuem@usfilter.com

Douglas Eisner, Manager - EH&S
(510) 639-7274
EisnerD@usfilter.com
6611 San Leandro Street
Oakland, CA 94621

EPA Representatives: Kandice Bellamy (415) 972-3304 /bellamy.kandice@epa.gov
Karou Morimoto (415) 972-3306 /morimoto.kaoru@epa.gov

Report Written by: Kandice Bellamy

Date of Report: April 5, 2002

1. Purpose of Inspection

The purpose of the compliance evaluation inspection (CEI) conducted at US Filter/Westates Carbon (hereinafter "the facility"), EPA Identification Number AZD982441263, was to determine compliance with all applicable requirements of the Resource Conservation and Recovery Act (RCRA) for management of hazardous waste. In addition, a specific focus of the January 24, 2002 inspection was to evaluate actions taken and clarifications made by the facility in response to the Warning Letter transmitted December 17, 2001 that cited potential violations. The submittal from the facility dated August 20, 2001 responding to the June 19 and 20, 2001 inspection was also considered in determining the correction of potential violations cited.

2. Scope of Report for the January 24, 2002 Inspection

As a result of the January 24, 2002 inspection and subsequent review of available information, issues have arisen for which additional information and clarification will be requested from US Filter/Westates Carbon. These issues will be discussed in this report.

This report will summarize the potential violations cited in the report transmitted to the facility on December 17, 2001 that have been corrected. The potential violations that have been corrected are summarized in the following table:

Potential Violation	Description of Correction
262.34(c)(1)(i) requiring compliance w/265.173(a) <u>Potential Violation</u> - A drum in the satellite accumulation area holding discarded samples was not closed. 262.34(c)(1)(ii) <u>Potential Violation</u> The drum in the satellite accumulation area was not marked "Hazardous Waste."	The drum has been removed from the area where samples are held pending further analysis. A drum will no longer be placed in that area. When the samples are no longer needed, the sample material will be combined with waste entering the treatment process.
265.16 (d)(2) <u>Potential Violation</u> - Written Job Description must include duties of personnel assigned to each position & requisite skill. Included among the duties of two employees were the visual observations of stack plume emissions for normal appearance (color and opacity) required in 265.377.	A written procedure specifying the duties for personnel whose job function included making hourly observations of the stack plume was developed and is acceptable. This included a designation of the area of the stack plume where observations should be made. Training for appropriate individuals was documented.

<p>265.37(a) (2) <u>Potential Violation</u> - While the required agreements were available, they did not specify the police or fire department with <u>primary</u> emergency authority. <u>Additional Recommendation</u> - Change area code from 602 to 520 on the list of Responsible Agencies.</p>	<p>The Contingency Plan designated the Colorado River Indian Tribes Fire Department as the primary responding agency. Also, the local area code has been changed to 928 and the Contingency Plan has been amended accordingly.</p>
<p>265.193(e)(1)(i) and (ii) - <u>Potential Violation</u> -The external liner for the tank system did not appear to be designed or operated to contain 100% of the capacity of the largest tank and contain run-on as required by 40 CFR 265.193(e)(1)(i) and (ii).</p> <p>265.193(e)(1)(iii)- <u>Potential Violation</u> - External liner system did not appear free of cracks or gaps.</p>	<p>At this time, only the redirection of the down spouts that formerly terminated in the secondary containment area has addressed an aspect of the potential violation (265.193(e)(1)(ii)) identified during the June 2001 inspection. A detailed discussion of additional as well as previously identified areas of potential non-compliance related to the capacity and integrity of the secondary containment are included in this report, and EPA is requesting additional information to resolve these potential violations.</p>
<p><u>Area of Concern</u> 268.7 (a)(2) Testing, Tracking & Record keeping Requirements for Generators Treating, Disposal Facilities [268.7 (a)(4)].</p>	<p>An acceptable written procedure describing the facility's rationale and practices used to match incoming generator profile information with outbound (Westates as generator) profiles for EPA Waste Code F039 was developed.</p>

3. Condition of the Secondary Containment Pad

The report based on observations made during the June 19 and 20, 2001 inspection cited **40 CFR §265.193(e)(1)(iii)** as a potential violation. **The external liner system did not appear free of cracks or gaps.** (See Attachment #1 - Photos 1, 2, and 3 taken during the June 19 and 20, 2001 inspection). During the January 24, 2002 inspection, the EPA inspectors noted that epoxy had been applied to some of the large cracks. The epoxy was sticky and not completely hardened. Facility Plant Manager, Williard Bolyard, stated that crack management is done on a twice yearly schedule and that the epoxy had been applied the day before the inspection.

Based on observations of the pad made during the January 24, 2002 inspection and subsequent review of available information, **verification that the pad is designed to prevent migration of waste or accumulated liquid out of the system in accordance with 40 CFR §265.193 (b)(1)** has not yet been made by the facility.

Based on observations made during the January 24, 2002 inspection and review of available information, a determination has been made that insufficient documentation exists that demonstrates that the pad meets the requirements of 40 CFR§265.193(c). **40 CFR §265.193(c)(1)** states that in order to meet the requirements of **40 CFR §265.193(b)**, secondary containment systems must be at a minimum "constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system and must have sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation (including stresses from nearby vehicular traffic).

40 CFR §265.193(c)(2) states that in order to meet the requirements of **40 CFR §265.193(b)**, secondary containment systems must be at a minimum "placed on a foundation or base capable of providing support to the secondary containment system and resistance to pressure gradients above and below the system and be capable of preventing failure due to settlement, compression, or uplift."

In order to determine compliance with the requirements of **40 CFR §265.193 (b)(1) and 40 CFR§265.193(c)(1)and (2)**, US Filter/Westates Carbon will be requested to submit the documentation described below, and specified in a Request for Information Pursuant to 3007(a) of the Resource Conservation and Recovery Act.

- I. Provide EPA with 'as-built-drawings' and engineering and construction specifications for the secondary containment pad including any particular specifications for the pad in Areas 1 and 2 (shown in the LEMME Engineering Survey dated August 2001) of the facility including, but not limited to, the description of the thickness of the concrete, materials used to reinforce the pad, and composition of subsurface materials forming the layers under the pad.
- II. Provide EPA with an engineering evaluation and certification that contains documentation that the pad in Areas 1 and 2 is constructed of materials of sufficient strength and thickness to meet the conditions specified in and the requirements of **40 CFR §265.193(c)(1)**.

- III. Provide EPA with an engineering evaluation and certification verifying that the pad in Areas 1 and 2 is placed on a foundation and base capable of meeting the conditions specified in and the requirements of **40 CFR §265.193(c)(2)**. The engineering evaluation and certification of the structural integrity of the secondary containment pad in Areas 1 and 2 shall include, but not be limited to, an accurate assessment of the weight of all structures, equipment, tanks and their contents and associated piping in Areas 1 and 2.
- IV. The evaluation and certification must verify that the Area 1 and 2 portions of the pad are capable of supporting the weight of all structures and tanks (with their contents and including the tanks that, at this time, the facility considers to contain substances that are not RCRA regulated).
- V. Provide EPA with an engineering evaluation and certification verifying that the cracks, gaps and overall condition of the pad in Areas 1 and 2 do not adversely impact the technical capability of the pad to meet the requirement that the pad be designed to prevent migration of waste or accumulated liquid out of the system as specified in 40 CFR §265.193(b)(1).
- VI. Provide EPA with a written plan for the management of cracks and gaps for all areas of the pad. The plan should, at a minimum, include the description of the materials for pad repair, the appropriateness and effectiveness of the material used, and criteria used to determine that the repair prevents migration of waste or accumulated liquid out of the system. The written plan should contain a schedule for maintenance and repair and the protocol for the repairs.

4. Regulatory Status of Tanks T-9 and T-12

EPA is evaluating the regulatory status of tanks T-9 and T-12. The excerpts below summarize our understanding of the utilization of T-9 and T-12 in the hazardous waste treatment process.

The following section is extracted from a report from a 1998 EPA inspection and describes the function of tanks T-9 and T-12. "If the spent carbon which has been accepted for treatment is a bulk shipment, it is emptied into a hopper (H-1) outside the main building, mixed with waste to form a slurry and is pumped into one of the four spent carbon storage tanks. If the spent carbon is delivered in containers, the containers (various sizes) of spent carbon are moved into the container storage area, emptied into a hopper (H-2) inside the main building, mixed with water to form a slurry and pumped into one of the four spent carbon storage tanks."

"From the four spent carbon storage tanks, the spent carbon slurry is pumped to the spent carbon furnace feed tank (T-18) on the upper level of the reactivation furnace (RF-2). Spent carbon slurry is fed from the feed tank (T-18) to a dewatering screw (C-5) to remove water from the slurry. The recovered water is pumped to the recycled water storage tank (T-9) for further use. Overflow from T-9 and excess water from the two spent hoppers (H-1 and H-2) is pumped to a second recycled water storage tank (T-12) for further use in transporting spent carbon through the system. When there is an excess of water or when the water in T-12 is too dirty for reuse, it is pumped through two carbon adsorption canisters for treatment, pumped to a storage tank (T-11) and discharged to the sewer under an industrial discharge permit from the Colorado River Sewage System Joint Venture (CRSSJV)."

The next sections related to tanks T-9 and T-12 are extracted from the Facility Description contained in the Part B permit application submitted in 1995: "Prior to introduction into one of two RCRA regulated units (RF-1 and RF-2), the water-carbon slurry is dewatered by use of dewatering screws. The dewatered carbon is then fed to the reactivation units. The water generated in the dewatering step is returned to one of two recycle water tanks (T-9 and T-12) where it will be reused in the carbon transport system. Because T-9 and T-12 are used to store recycle water, a process material prior to reuse, they are not RCRA-regulated units."

"Tank T-11 and its ancillary equipment is a wastewater treatment unit and is not a RCRA regulated unit."

Impact of the Regulatory Status of T-12 and Secondary Containment Calculations

The capacity of tanks T-9 and T-12 is 10,500 gallons and 25,080 respectively. The facility's submittal dated August 20, 2001 contains a section regarding the utilization of tank T-12 with its capacity of 25,080 gallons as the tank used to determine that the secondary containment met the conditions specified in 40 CFR §265.193(e) that requires the external liner to be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary. The facility's August 20, 2001 submittal concluded: "However, upon closer review, we have discovered that 40 CFR §265.193(e) requires that the secondary containment system be designed to include the volume from the largest hazardous waste storage tank within the containment system. Our prior calculation had included the volume of a process tank, rather than the largest hazardous waste storage tank. Our hazardous waste tanks, which are identified in section D, page 15, of our November 1995 Part B Application, are T-1, T-2, T-5 and T-6 which have a volume of 8,319 gallons each. Our prior secondary containment calculation incorrectly used the storage capacity of tank T-12, which is specifically referenced in Section D, page 1, of our Part B Application as not being a hazardous waste management unit."

In order to further evaluate the applicability of RCRA regulation to tanks T-9 and T-12, US Filter/Westates Carbon will be requested to submit the following information and documentation pursuant to a Request for Information Pursuant to 3007(a) of the Resource Conservation and Recovery Act (transmitted by separate correspondence).

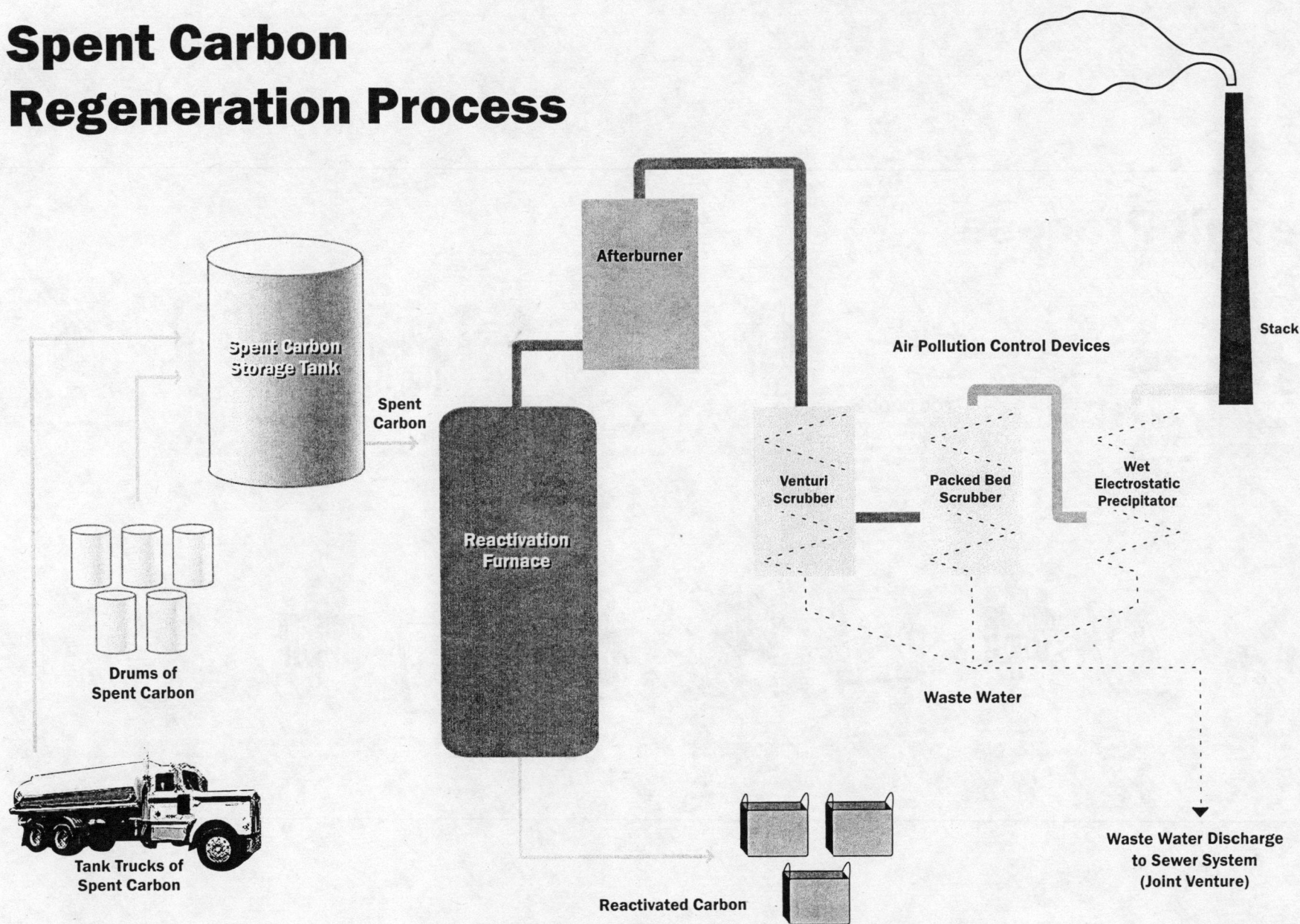
- I. Provide EPA with a written explanation specifying the basis and the specific regulatory exclusion/exception for the determination that tanks T-9 and T-12 are not RCRA regulated. Please include any correspondence, memos guidance documents, etc. upon which you relied in making such a determination.
- II. Provide EPA with a process diagram of sufficient detail and clarity describing process flow and the recirculation of contact water through the storage and treatment system. The diagram may be accompanied by narrative explanations of slurry and recirculated water movement.

5. Other Potential Violations Noted during June 19 and 20, 2001 Investigation

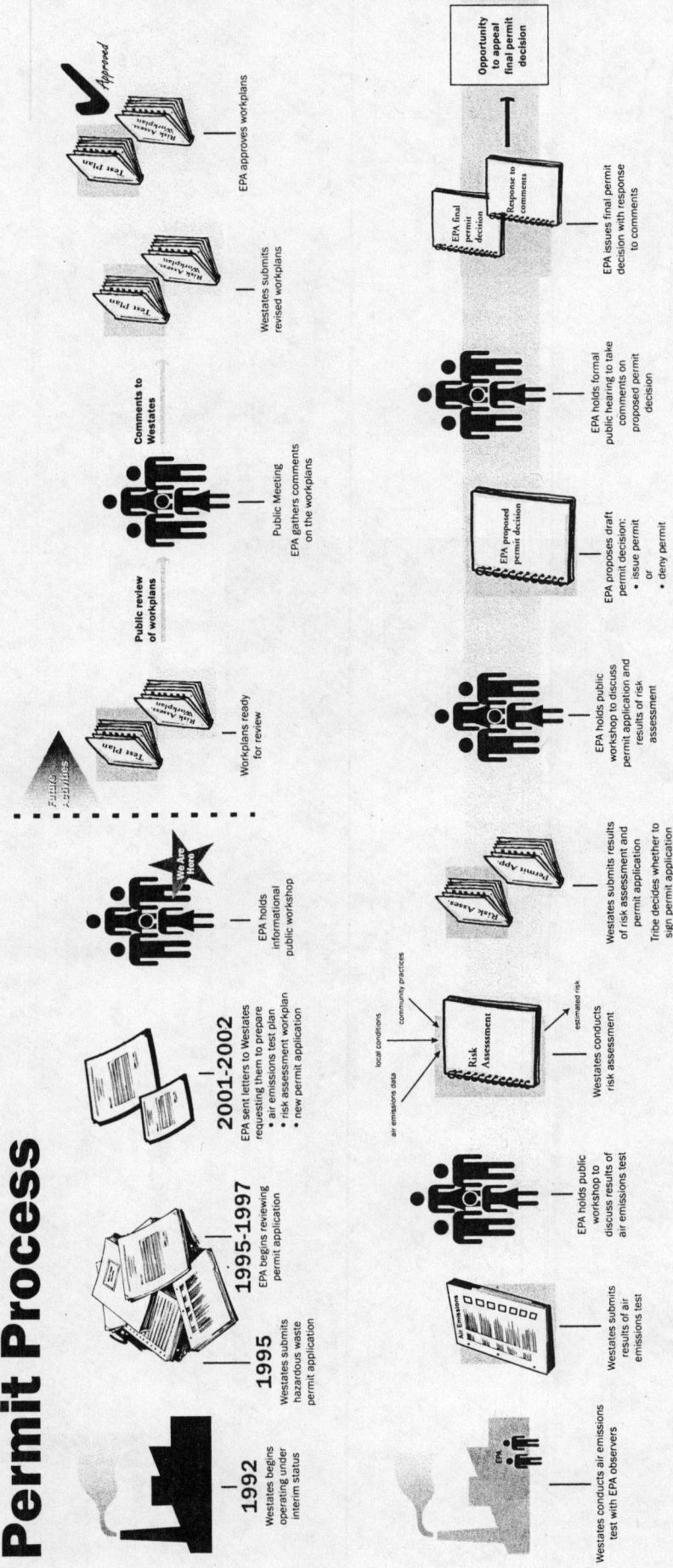
Compliance tasks required to address the Potential Violations related to compliance with 40 CFR §265 Subpart G - Closure are specified in a section of the Warning Letter. In order to comply with the requirements of 40 CFR Subpart G §264 and §265, complete the following task in item 1. within 60 days of the date of the Warning Letter:

1. Submit a closure plan for the closure of RF-1 that meets all of the applicable requirements of 40 CFR §265 Subpart G.
2. Submit a closure plan for the facility that meets all of the applicable requirements of 40 CFR §264 by the date specified by EPA in correspondence transmitted on February 19, 2002 requesting the Part B Permit Application for US Filter/Westates Carbon.

Spent Carbon Regeneration Process



Permit Process



Investigation and Enforcement Process Outline

Considerations for EPA Investigations and Enforcement on Tribal Land

Conformance with January 2001 Final Guidance on the Enforcement Principals Outlined in the 1984 Indian Policy

When investigation and enforcement considered on Tribal Lands, EPA:

- ◆ Consults with Tribal Government; and
- ◆ Obtains approval from EPA Headquarters for formal enforcement actions.

Information Gathering

EPA conducts inspections and/or requests information from the facility.

Inspection Report

EPA sends inspection report to the facility and Tribal Government.

Typical Next Steps after Inspection Report Completed

- ◆ Warning Letter may be sent. EPA evaluates the facility's response and may send a Return to Compliance Letter.
- ◆ EPA may send a "Show Cause" letter notifying the facility of EPA's intent to file a formal enforcement action. The facility is offered the opportunity to submit additional information that it believes EPA should consider.
- ◆ Penalty is calculated in accordance with Civil Penalty Policy.
- ◆ Settlement negotiations occur and settlement agreement can be reached.
- ◆ If no settlement agreement reached, Complaint issued and Administrative Hearing is scheduled. At any time during this process, a settlement can occur.
- ◆ Administrative Hearing occurs and decision is made by the Administrative Law Judge.
- ◆ Facility can appeal decision to the Environmental Appeals Board.
- ◆ Compliance Order issued including compliance schedule and penalty payment.

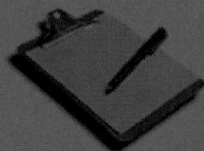


Westates Carbon

U.S. ENVIRONMENTAL PROTECTION AGENCY • REGION 9 • SAN FRANCISCO, CA • AUGUST 2002

Update on Inspections at Westates

Westates is a hazardous waste storage and treatment facility located on the Colorado River Indian Reservation near Parker, Arizona. At Westates, spent carbon is treated in a carbon regeneration furnace. To receive background information on Westates and additional in-depth information on other topics regarding Westates, please contact EPA. Telephone, mail, and e-mail information is located below.



WHEN WAS EPA'S MOST RECENT INSPECTION OF WESTATES?

EPA inspected Westates in June 2001 and in January 2002. The June 2001 inspection found several potential violations. EPA issued an inspection report in December 2001, giving details about the June inspection and the potential violations.

The report for the January 2002 inspection, issued in April 2002, documented no new violations and verified correction of several previous potential violations. These inspection reports are available to the public. You may request a copy by contacting EPA at the phone or address listed to the right.

At the two inspections, EPA found no evidence that hazardous waste was released from Westates.

FOLLOW-UP AND NEXT STEPS ON POTENTIAL VIOLATIONS

- ✓ Westates has corrected or taken measures to address each of the potential violations. (See reverse for details.)
- ✓ Westates has provided EPA with additional information about several of the potential violations.
- ✓ EPA has reviewed additional information from Westates and is requesting clarification as needed.
- ✓ Per EPA policy and guidance on Tribal facilities, EPA will work cooperatively with the Tribal government to determine what further compliance or enforcement steps are appropriate.

CONTACT EPA:

If you have questions about Westates please contact:

Wenona Wilson
Community Involvement Coordinator
Phone: 415-972-3239
email: wilson.wenona@epa.gov

Mail:
Wenona Wilson (SFD-3)
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105



or call our
toll free number:
1-800-231-3075

Update on Inspections at Westates

The results of 6 inspections EPA conducted at Westates from 1992 through 1998 are noted in a fact sheet which EPA prepared in April 2001. Please contact EPA if you would like a copy of the April 2001 fact sheet.

WHY ARE THE VIOLATIONS CALLED "POTENTIAL VIOLATIONS"?

By law, EPA must provide a hazardous waste facility with an opportunity to rebut any findings of violation that EPA makes during an inspection. Therefore, in inspection reports, EPA calls the findings "potential violations". Once EPA reviews additional information that Westates may provide, EPA will decide whether there were actual violations.



ARE THE POTENTIAL VIOLATIONS A THREAT TO THE COMMUNITY?

The potential violations do not pose a current threat to the community. Some of the potential violations involved housekeeping problems and "paper" violations. Other potential violations involved proper design to ensure that if there are any spills, they will not contaminate soil under the facility. EPA has required Westates to address these potential violations in order to prevent the possibility of future releases. The potential violations are listed in the column to the right.

FOR INFORMATION IN ANOTHER LANGUAGE

If you would like to receive materials about Westates in another language, please contact Wenona Wilson at the toll free phone number and address on the front of this fact sheet.

PARA INFORMACION EN ESPAÑOL

Westates es una empresa de tratamiento y almacenaje de residuos peligrosos y está ubicada cerca de Parker, Arizona. Si usted desea recibir informacion en Español, por favor comuníquese con Wenona Wilson al numero de telefono (800) - llamada gratuita - o a la dirección al reverso de esta pagina.

STATUS OF POTENTIAL VIOLATIONS FROM THE JUNE 2001 INSPECTION

♦ A drum holding discarded samples was not closed and was not marked "Hazardous Waste".

Westates closed and marked the drum. Westates will not use the drum in the future. Instead, samples will be added directly to the treatment process.

♦ Written job descriptions did not include duties and skills of personnel assigned to each position.

Westates has amended the job descriptions.

♦ Written agreements with police and fire departments did not specify the department with primary authority to respond to emergencies at Westates.

Westates has clarified the written agreements and they are acceptable.

♦ The closure plan does not contain a detailed description of the steps necessary to close the two carbon regeneration furnaces. The closure plan was not amended to reflect closure of the inactive carbon regeneration furnace.

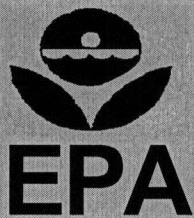
EPA has required Westates to submit an amended closure plan.

♦ The concrete containment system for the tanks may not be large enough to contain 100% of the volume of the largest tank and to contain run-on from other parts of the facility.

Westates has redirected the down-spouts from the warehouse roof so that they no longer drain into the containment system. EPA has determined that the containment system has the capacity to contain the required volume.

♦ The concrete containment pad did not appear free of cracks or gaps.

In January 2002, EPA observed that the cracks were filled.



Westates Carbon

U.S. ENVIRONMENTAL PROTECTION AGENCY • REGION 9 • SAN FRANCISCO, CA • APRIL 2001



An In-Depth Look: Compliance History of Westates

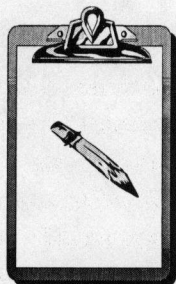
Westates is a hazardous waste storage and treatment facility, located on the Colorado River Indian Reservation near Parker, Arizona. At Westates, spent carbon is treated in a carbon regeneration furnace. To receive background information on Westates and additional in-depth information on other topics regarding Westates, please contact EPA. Telephone, mail, and e-mail information are located below.

WHAT IS EPA'S INSPECTION AND ENFORCEMENT AUTHORITY?

EPA's authority to inspect and enforce at hazardous waste facilities comes from the Resource Conservation and Recovery Act (RCRA). EPA's inspections look for compliance with the requirements of RCRA and EPA's hazardous waste regulations. These regulations control operations at hazardous waste storage and treatment facilities, such as Westates.

If EPA finds noncompliance at a hazardous waste facility, we may take enforcement action. The three main types of enforcement action are:

- ◆ Administrative Actions
- ◆ Civil Actions
- ◆ Criminal Actions



WHAT DOES EPA LOOK FOR DURING AN INSPECTION?

- ✓ **We review facility operations**
 - integrity of tanks
 - proper storage of wastes
- ✓ **We review facility records**
 - personnel training records
 - daily inspection records
- ✓ **We check for proper implementation of facility plans**
 - emergency response plan
 - waste analysis plan
- ✓ **We review the wastes managed at the facility**
 - amount of waste received
 - type of waste received

CONTACT EPA:

If you have questions about Westates please contact:

Karen Scheuermann
Project Manager
Phone: 415-972-3356
email: scheuermann.karen@epa.gov

Mail:
Karen Scheuermann (WST-4)
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

or call our toll free number:
1-800-231-3075

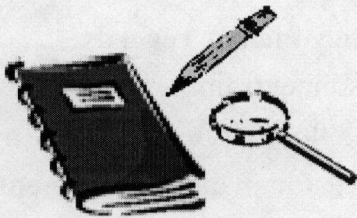




An In-Depth Look: Compliance History of Westates

HOW HAS WESTATES PERFORMED ON PAST INSPECTIONS?

Since Westates began operating in 1992, EPA has inspected the facility 8 times, and prepared reports for 6 of those inspections. The results of these 6 inspections are noted to the right, beginning with the most recent. From 1994 through 1998, Westates had few violations. In 1993 Westates had many violations and paid a fine of \$57,515.



FOR INFORMATION IN ANOTHER LANGUAGE

EPA has prepared this fact sheet on Westates in English only. This is because we do not yet know whether residents near Westates will need materials in another language. If you would like to receive materials in another language in the future, please contact Karen Scheuermann at the toll free phone number and address on the front of this fact sheet.

PARA INFORMACION EN ESPAÑOL

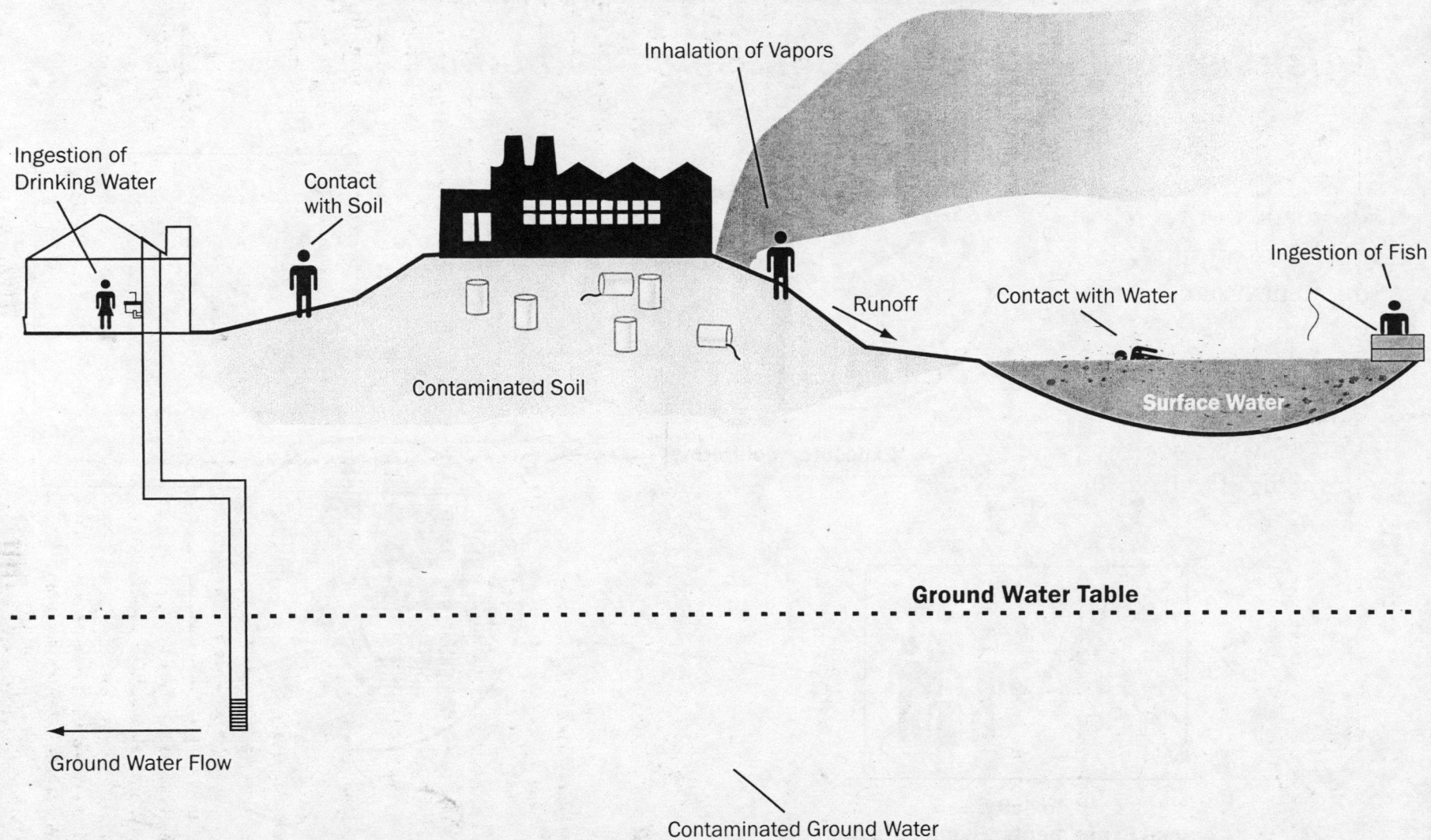
Westates es una empresa de tratamiento y almacenaje de residuos peligrosos y está ubicada cerca de Parker, Arizona. La EPA ha preparado esta hoja de datos sobre la empresa Westates en Inglés solamente. La razón por esto es que no sabemos si los residentes que viven cerca de Westates necesitan información en Español. Si usted desea recibir información en Español en el futuro, por favor comuníquese con Karen Scheuermann al número de teléfono (800) - llamada gratuita - o a la dirección al reverso de esta página.

WESTATES' INSPECTION HISTORY

- ♦ The inspection in December 1998 found **no violations** at Westates.
- ♦ The inspection in September 1996 found **no violations** at Westates.
- ♦ The inspection in March 1995 found **2 potential violations** at Westates: failure to submit the 1993 biennial report by the deadline; and failure to accurately report wastes generated. Westates addressed these violations within 1 week.
- ♦ The inspection in September 1994 found **no violations** at Westates.
- ♦ The inspection in March 1994 found **1 potential violation** at Westates: absence of a piece of documentation in the facility's personnel training files. Westates addressed this violation within 6 weeks.
- ♦ The inspection in August 1993 found **11 potential violations** at Westates: failure to properly label and date containers of hazardous waste; waste analysis plan deficiencies; failure to follow waste analysis plan; failure to remedy problems discovered during inspections in a timely manner; failure to operate in a way that minimizes the possibility of a hazardous waste release; contingency plan deficiencies; operating record deficiencies; failure to obtain tank assessments; failure to maintain secondary containment for tanks free of cracks and gaps; failure to conduct daily inspections of waste feed cutoff systems; and storage of hazardous waste in an area not specified in Part A of the permit application. EPA took an Administrative Action, issuing Westates a Determination of Violations and Complaint regarding these items in February 1994.

Settlement of violations found in 1993: EPA negotiated a Consent Agreement and Final Order with Westates regarding the violations, which was finalized in August 1995. As a result of the Order, Westates paid a civil penalty of \$57,515.

Potential Exposure Pathways



U.S. Environmental Protection Agency

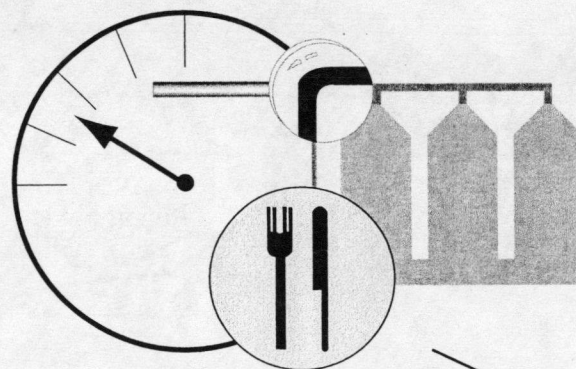
How is a Risk Assessment Conducted?

A risk assessment for air emissions combines:

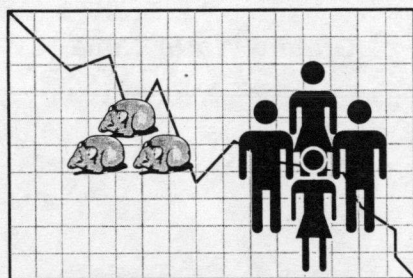
Estimates of the level of people's exposures at different distances from the emissions,

with...

animal & health studies on the health effects of chemicals.



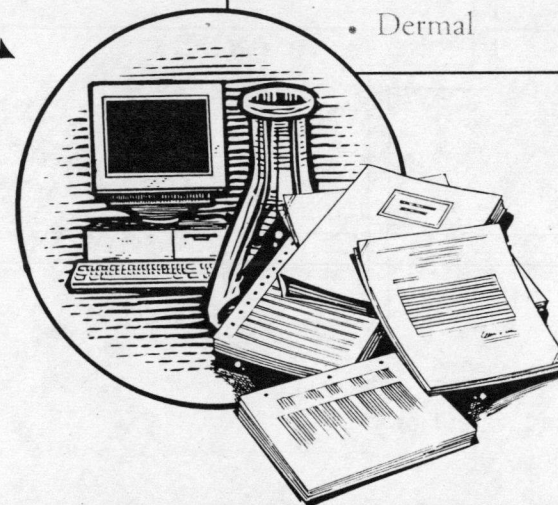
Exposure/Monitoring



Toxicity:
Animal Experiments/Human Studies

Toxicities of Concern

- Cancer
- Non-Cancer
 - Systemic
 - Developmental/Reproductive
 - Neurologic
 - Dermal



Guidelines/Calculations

What is a Risk Assessment?

- A risk assessment is a tool used by scientists & EPA to calculate the likelihood of health or environmental impacts from exposure to different amounts of chemical substances.

Environmental Risk

- *Risk* is the likelihood of injury, disease or death
- *Environmental risk* is the likelihood of injury, disease or death resulting from contaminants in the environment

The Dose Makes the Poison

All substances are poisons;
there is none which is not a
poison. The right dose
differentiates a poison and
a remedy.

Paracelsus (1493-1541)